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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT PAPER NUMBER

2623

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,196	Applicant(s) MASSEY, KENT	
	Examiner Chris Parry	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-18 and 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 6-18, and 20-34 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument (Page 15, 8th ¶, lines 1-8), stating Bejan does not disclose, suggest, or teach the limitation for selected decisions made prior to a linking scene, producing one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene that is viewable after the linking scene, the examiner respectfully disagrees. Bejan discloses in figure 3, for selected decisions made prior to a linking scene (intersection scene) producing one set of variation scenes (3rd branch A, B, and C) that introduce content that appears to be related to the consequence of the particular decision made (decision to select 2nd branch A), each set of variation scenes (3rd branch A, B, and C) being associated with a scene (4th branch A) that is viewable after the linking scene (intersection scene) (Col. 9, line 39 – Col. 10, line 25). Therefore, Bejan teaches decisions made prior to the intersection scene, a set of variation scenes represented by the choices on the 3rd branch, introduce content related to the decision made earlier to select 2nd branch A at the branching act begins section, with the set of variation scenes, 3rd branch, being associated with 4th branch A, viewable after the intersection scene.

In response to applicant's argument (Page 16, 1st ¶, lines 1-4), stating Bejan does not disclose, suggest, or teach when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene from the set that is related to the particular decision made, the examiner respectfully disagrees. Bejan discloses in figure 3, when the viewer is brought to a scene sequence, such as the end of 2nd branch A, that contains a set of variation scenes, such as scenes 3rd A-C, interspersing into the scene sequence the variation scene, such as 3rd C for example, from the set that is related to the particular decision made (Col. 9, line 59 – Col. 10, line 21). Therefore, Bejan discloses at the end of 2nd branch A, the user may choose from the set of 3rd A-C, and the decision made by the viewer will be shown when 2nd branch A ends.

In response to applicant's argument (Page 18, 3rd ¶, lines 1-4), stating Bejan does not disclose, suggest, or teach producing the variation scenes in a set with essentially the same characters and props, such that the variation scenes in a set differ from each other by the dialog and expression of at least one character, the examiner respectfully disagrees. Bejan discloses in figure 3, producing the variation scenes (3rd branch A-C) in a set (2nd branch A) with essentially the same characters and props, such that the variation scenes (3rd branch A-C) in a set (2nd branch A) differ from each other by the dialog and expression of at least one character (Col. 9, line 59 – Col. 10, line 21). Bejan discloses after the branching act, the viewer is locked into the

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character's perspective. So if the viewer chooses to lock in 2nd branch A for example, when the first scene ends after locking in 2nd branch A, the viewer must make another decision on the storyline by selecting one of the given three choices, 3rd branch A, B, or C. Therefore, the characters and props will be the same for the variation scenes, and depending on the decision made, the dialog and expressions for at least one character will differ between the three choices of A, B, or C.

In response to applicant's argument (Page 19, 2nd ¶, lines 3-6), stating Bejan does not disclose, suggest, or teach a system having one or more sets of variation scenes that introduce content that appears to be related to the consequences of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene, the examiner respectfully disagrees. Bejan discloses in figure 3, for selected decisions made prior to a linking scene (intersection scene) producing one set of variation scenes (3rd branch A, B, and C) that introduce content that appears to be related to the consequence of the particular decision made (decision to select 2nd branch A), each set of variation scenes (3rd branch A, B, and C) being associated with a scene (4th branch A) that is viewable after the linking scene (intersection scene) (Col. 9, line 39 – Col. 10, line 25). Therefore, Bejan teaches decisions made prior to the intersection scene, a set of variation scenes represented by the choices on the 3rd branch, introduce content related to the decision made earlier to select 2nd branch A at the branching act begins section, with the set of

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variation scenes, 3rd branch, being associated with 4th branch A, viewable after the intersection scene.

In response to applicant's argument (Page 19, 3rd ¶, lines 2-4), stating Bejan does not disclose, suggest, or teach when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence a variation scene from the set that is related to the particular decision made prior to the linking scene, the examiner respectfully disagrees. Bejan discloses in figure 3, when the viewer is brought to a scene sequence, such as the end of 2nd branch A, that contains a set of variation scenes, such as scenes 3rd A-C, interspersing into the scene sequence the variation scene, such as 3rd C for example, from the set that is related to the particular decision made (Col. 9, line 59 – Col. 10, line 21). Therefore, Bejan discloses at the end of 2nd branch A, the user may choose from the set of 3rd A-C, and the decision made by the viewer will be shown when 2nd branch A ends.

In response to applicant's argument (Page 19, 5th ¶, line 3), stating Bejan does not disclose, suggest, or teach a system having one or more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene, the examiner respectfully disagrees. Bejan discloses in figure 3, having one or more sets of variation scenes (3rd branch A-I) that introduce content that appears to be related to the consequence of a decision made

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before a link scene (intersection scene), such as consequence of the decision to select 2nd branch A, B, or C, where each set of variation scenes is associated with a scene sequence (4th branch) that follows a linking scene (intersection scene) (Col. 9, line 39 0 Col. 10, line 25).

In response to applicant's argument (Page 20, 2nd ¶, lines 3-6), stating Bejan does not disclose, suggest, or teach a system having one or more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene, the examiner respectfully disagrees. Bejan discloses in figure 3, having one or more sets of variation scenes (3rd branch A-I) that introduce content that appears to be related to the consequence of a decision made before a link scene (intersection scene), such as consequence of the decision to select 2nd branch A, B, or C, where each set of variation scenes is associated with a scene sequence (4th branch) that follows a linking scene (intersection scene) (Col. 9, line 39 0 Col. 10, line 25).

In response to applicant's argument (Page 20, last ¶, line 1 and Page 24, last ¶), stating Shiels does not disclose, suggest, or teach enabling the viewer to make one of the alternative decisions, the examiner respectfully disagrees. Shiels discloses, the viewer is provided with an input device (UID) 12 for inputting commands, responses or other data as required by the particular application (Col. 3, lines 30-32). Further, Shiels

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discloses in relation to figure 6, at branch nodes A to G a decision is required as to which path the narrative will take, with the user navigating through the network of possible story lines (Col. 6, lines 6-10). Further in relation to figure 6, at interaction periods 72 and 73, a user may interact with the storyline via UID 12 (Col. 6, lines 26-30).

In response to applicant's argument (Page 21, 3rd ¶, lines 1-5), stating Shields does not disclose, suggest, or teach in each act that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the act is viewed, the examiner respectfully disagrees. Shields discloses in figure 6, in each act that can be presented in a different order, providing neutral scenes (H, J, and K) in which the content is not dependant upon the order in which the act is viewed, and providing sets of alternative scenes (W, X, Y, and Z) in which the content is dependant upon the order in which the act is viewed (Col. 6, lines 3-49). Further the claim does not require a decision to be made after a neutral scene is viewed and as shown in figure 6, depending on the decisions the viewer makes, any one of the four possible endings (W-Z) can be seen by the viewer.

In response to applicant's argument (Page 22, 3rd ¶, lines 1-6 and Page 24, 2nd ¶), stating Shields does not disclose, suggest, or teach a method for structuring scene sequences that includes the steps of providing a plurality of acts and enabling the

viewer to make decisions which determine the order in which the acts are viewed, along with providing alternative connecting scenes leading into and out of the act, and inserting into the sequence the particular connecting scenes that are appropriate to the order in which the act is presented, the examiner respectfully disagrees. Shields teaches, the viewer is provided with an input device (UID) 12 for inputting commands, responses or other data as required by the particular application (Col. 3, lines 30-32). Further, Shields discloses in relation to figure 6, at branch nodes A to G a decision is required as to which path the narrative will take, with the user navigating through the network of possible story lines (Col. 6, lines 6-10). Further in relation to figure 6, at interaction periods 72 and 73, a user may interact with the storyline via UID 12 (Col. 6, lines 26-30). Shields discloses in figure 6, providing alternative connecting scenes (A, D, F, Z, and Y) leading into and out of the act (G), and inserting into the sequence the particular connecting scenes that are appropriate to the order in which the act is presented (Col. 6, lines 3-49).

In response to applicant's argument (Page 22, last ¶; Page 25, 4th-5th ¶; and Page 26, 1st ¶), stating Shields does not disclose, suggest, or teach a plurality of potentially viewable scenes grouped as a plurality of acts; at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented; and each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative

scenes in which the content is dependant upon the relative order in which the act is viewed, the examiner respectfully disagrees. Shields discloses a plurality of potentially viewable scenes (B-H, J-K, and W-Z) grouped as a plurality of acts as shown in figure 6. Shields discloses at least one of the acts (D – figure 6) having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented. Shields teaches, the viewer is provided with an input device (UID) 12 for inputting commands, responses or other data as required by the particular application (Col. 3, lines 30-32). Further, Shields discloses in relation to figure 6, at branch nodes A to G a decision is required as to which path the narrative will take, with the user navigating through the network of possible story lines (Col. 6, lines 6-10). Further in relation to figure 6, at interaction periods 72 and 73, a user may interact with the storyline via UID 12 (Col. 6, lines 26-30). Shields discloses, each act that can be presented in a different order having neutral scenes (H, J, and K) in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes (W, X, Y, and Z) in which the content is dependant upon the relative order in which the act is viewed (Col. 6, lines 3-49). Further the claim does not require a decision to be made after a neutral scene is viewed and as shown in figure 6, depending on the decisions the viewer makes, any one of the four possible endings (W-Z) can be seen by the viewer. The viewer is provided with an input device (UID) 12 for inputting commands, responses or other data as required by the particular application (Col. 3, lines 30-32). Further, Shields discloses in relation to figure 6, at branch nodes A to G a decision is required as to which path the narrative will take, with the user

navigating through the network of possible story lines (Col. 6, lines 6-10). Further in relation to figure 6, at interaction periods 72 and 73, a user may interact with the storyline via UID 12 (Col. 6, lines 26-30).

In response to applicant's argument (Page 23, last ¶ and Page 24, 3rd ¶), stating Shields does not disclose, suggest, or teach software for presenting the act's neutral scenes interspersed with those alternative scenes that are appropriate to the relative order in which the act is presented, the examiner respectfully disagrees. Shields teaches, the viewer is provided with an input device (UID) 12 for inputting commands, responses or other data as required by the particular application (Col. 3, lines 30-32). Further, Shields discloses in relation to figure 6, at branch nodes A to G a decision is required as to which path the narrative will take, with the user navigating through the network of possible story lines (Col. 6, lines 6-10). Further in relation to figure 6, at interaction periods 72 and 73, a user may interact with the storyline via UID 12 (Col. 6, lines 26-30). As shown in figure 5, the user's inputs are received by UID I/F 57, which forwards the decisions selected by the viewer to CPU 36 (Col. 4, lines 56-61). Further, CPU 36 is coupled to program store 44, structure application 50, and character memory 52, to facilitate CPU 36 selecting the appropriate scenes and acts as selected by the viewer (Col. 4, lines 18-38).

In response to applicant's traversal of Official Notice (Page 26, 3rd ¶, lines 9-12), the examiner has provided a reference (Abecassis, U.S. 6,553,178) that teaches

wherein the digital video player (500 – figure 5) is a game player and television (Col. 19, lines 52-65). Further, Abecassis discloses in figure 9, RAViT 931-936 are connected to TV 951.

In response to applicant's traversal of Official Notice (Page 26, 3rd ¶, lines 9-12), the examiner has provided a reference (Abecassis, U.S. 6,553,178) that teaches wherein the digital video player (500 – figure 5) is a computer and television (Col. 18, lines 42-45; Col. 19, lines 66-67; and Col. 21, lines 36-39). Further, Abecassis discloses in figure 9, RAViT 931-936 are connected to TV 951.

In response to applicant's argument (Page 27, 4th ¶, line 1), stating it would not be obvious to modify Bejan in view of Shiels in order to teach wherein the digital video player is a set-top box and a television, the examiner respectfully disagrees. Bejan teaches the use of a polling system used in a movie theater as an example, whereas Shiels discloses the use of a STB 14 connected to a television set 10 to allow a viewer to make decisions on the direction a program takes from the convenience of the viewers home. So therefore, it would have been obvious to modify Bejan with the teachings of Shiels in order to allow a user to interact with a program by making decisions on the direction of the plot.

In response to applicant's argument (Page 27, 5th ¶, line 1), stating it would not be obvious to modify Bejan in view of Shiels in order to teach wherein the digital video

player is a personal video recorder and a television, the examiner respectfully disagrees. Shields discloses in figure 1, the use of local storage 16, which may comprise a CD player or "digital video player" connected to a television 10 via STB 14 as shown in figure 1 (Col. 3, lines 43-50).

In response to applicant's argument (Page 27, 6th ¶, line 1), stating it would not be obvious to modify Bejan in view of Shields in order to teach wherein the digital video player is a cable television system, the examiner respectfully disagrees. Shields discloses the features described in relation to STB 14 may instead be provided within a cable television (Col. 10, lines 30-39). So, figure 3 may be modified to not include STB 14, with all the features included TV 10 and this would have been an obvious modification in order to reduce the components needed in the system.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 9-10, 24, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Bejan et al. "Bejan" (U.S. 5,465,384).

Regarding Claim 1, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer" by disclosing a series of images which are displayed during a sample episode as disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25).

Bejan teaches, "delivering some of the scenes to the viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented to the viewer" by disclosing at the end of a scene, a branching point decision is displayed to the audience and the audience votes on three choices on the direction of the plot of the episode (Col. 8, lines 40-50).

Bejan teaches, "for each alternative decision at a branching point, having available to present to the viewer a scene sequence corresponding to the decision" by disclosing in figure 3, when the user makes a choice between 2nd branch A, B, or C, the audience will be presented with sequence of scenes which lead to the intersecting scene (Col. 9, lines 55-66).

Bejan teaches, "enabling the viewer to make one of the alternative decisions" by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to one of the three perspectives and thus one of the three series of images or "scene sequences" (Col. 8, lines 2-6).

Bejan teaches, "in response to the viewer's decision, presenting the scene sequence that corresponds to the decision" by disclosing the main computer instructs the video disk player 34 to play the selected new series of images (Col. 8, lines 47-50).

Bejan teaches, "structuring the branching points and their related scene sequences such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene" by disclosing, in figure 3, in order to minimize the number of scenes which must be stored, intersection scenes can be used. An intersection scene brings all the various branches together in time (Col. 10, lines 5-12).

Bejan teaches, "for selected decisions made prior to a linking scene, producing one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene that is viewable after the linking scene" by disclosing in figure 3, after the linking scene the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22). Bejan teaches, "when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene from the set that is related to the particular decision made" by disclosing when the audience arrives at the first branch act, shown in figure 3, the user chooses branch A, B, or C and then from the chose branch, the viewer will be prompted to make another decision that is related to the selected branch (Col. 9, line 38 – Col. 10, line 25).

As for Claim 2, Bejan teaches, "producing the variation scenes in a set with essentially the same characters and props, such that the variation scenes in a set differ from each other by the dialog and expression of at least one character" by disclosing once the multi-perspective act terminates, the program moves into the first scene of the branching act. In general fashion, during the branching act, a scene is displayed to the audience, at the end of which the audience is presented with three choices on the direction of the plot of the episode. Unlike the multi-perspective act, the three choices will lead to a different series of events or different plots (Col. 8, lines 40-50).

As for Claim 3, Bejan teaches, "delivering some of the scenes to each interactive viewer as branching points at which alternative decisions are presented that will determine the next scene sequence to be presented" by disclosing once the multi-perspective act terminates, the program moves into the first scene of the branching act. In general fashion, during the branching act, a scene is displayed to the audience, at the end of which the audience is presented with three choices on the direction of the plot of the episode. Unlike the multi-perspective act, the three choices will lead to a different series of events or different plots (Col. 8, lines 40-50).

Bejan teaches, "enabling different interactive viewers to make at least one of the alternative decisions" by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to one of the three perspectives and thus one of the three series of images or "scene sequences" (Col. 8, lines 2-6).

Regarding Claim 9, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "a plurality of potentially viewable scenes" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25).

Bejan teaches, "some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer" by disclosing in figure 3, branching acts block which leads the user to a series of decisions that are associated with the selected branch. Bejan further teaches the three choices presented to the viewer will lead to a different series of events or different plots and once the viewer has determined the direction in which the plot will continue, the main computer instructs the videodisk player to play the selected new series of images (Col. 8, lines 40-50).

Bejan teaches, "for each alternative decision at a branching point, a sequence of scenes corresponding to the decision" by disclosing 2nd branch A, B, or C in figure 3 that each lead to another decision for the viewer to make about how the story branches.

Bejan teaches, "the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not

dependant upon the particular decisions made prior to the linking scene", by disclosing in figure 3, in order to minimize the number of scenes which must be stored, intersection scenes can be used. An intersection scene brings all the various branches together in time (Col. 10, lines 5-12).

Bejan teaches, "for selected decisions made prior to a linking scene, one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene sequence that is viewable after the linking scene" by disclosing in figure 3, after the linking scene the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22).

As for Claim 10, Bejan teaches, "means for enabling the viewer to make the alternative decisions" by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to one of the three perspectives and thus one of the three series of images or "scene sequences" (Col. 8, lines 2-6).

Bejan teaches, "software for presenting the scene sequences that corresponds to the viewer's decisions, for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence the variation scene from the set that is related to the particular decision made" by disclosing in order to control the videodisk player 34 based on the information from the polling computer 28, the main computer 30 must have software and data concerning the

images stored in the videodisk 36. A suitable software system is the MacroMind Director Version 3.1 licensed by MacroMind, Inc. of San Francisco, Calif. The software allows the main computer to store information concerning the SMPTE time code or other address of images or series of images stored on the videodisk 36, and allow the main computer 30 to access the stored images from the videodisk 36 based on the SMPTE time (Col. 6, lines 50-61).

Regarding Claim 24, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, "a plurality of potentially viewable scenes" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25).

Bejan teaches, "some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer" by disclosing in figure 3, branching acts block which leads the user to a series of decision that are associated with the selected branch.

Bejan teaches, "for each alternative decision at a branching point, a sequence of scenes corresponding to the decision" by disclosing 2nd branch A, B, or C in figure 3 each lead to another decision for the viewer to make about how the story branches.

Bejan teaches, “the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene” by disclosing intersections scenes can be used to bring all the various branches together in time as shown in figure 3 (Col. 10, lines 5-12).

Bejan teaches, “for selected decisions made prior to a linking scene, one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene sequence that is viewable after the linking scene” by disclosing when the audience arrives at the first branch act, shown in figure 3, the user chooses branch A, B, or C and then from the chose branch, the viewer will be prompted to make another decision that is related to the selected branch (Col. 9, line 38 – Col. 10, line 25).

Regarding Claim 30, Bejan teaches an interactive entertainment system that allows an audience to select the perspective or plot of an interactive episode. The audience is provided with polling units with which to vote during scenes of the episode (Abstract). Bejan teaches, “a plurality of potentially viewable scenes” by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25).

Bejan teaches, "some of the scenes defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer" by disclosing in figure 3, branching acts block which leads the user to a series of decisions that are associated with the selected branch. Bejan further teaches the three choices presented to the viewer will lead to a different series of events or different plots and once the viewer has determined the direction in which the plot will continue, the main computer instructs the videodisk player to play the selected new series of images (Col. 8, lines 40-50).

Bejan teaches, "for each alternative decision at a branching point, a sequence of scenes corresponding to the decision" by disclosing 2nd branch A, B, or C in figure 3 that each lead to another decision for the viewer to make about how the story branches.

Bejan teaches, "the branching points and their related scene sequences being structured such that essentially every set of scene sequences determined by viewer decisions eventually reaches at least one linking scene containing content that is not dependant upon the particular decisions made prior to the linking scene", by disclosing in figure 3, in order to minimize the number of scenes which must be stored, intersection scenes can be used. An intersection scene brings all the various branches together in time (Col. 10, lines 5-12).

Bejan teaches, "for selected decisions made prior to a linking scene, one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being

associated with a scene sequence that is viewable after the linking scene” by disclosing in figure 3, after the linking scene the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22).

4. Claims 4, 6-8, 18, 20-22, 27-29, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiels et al. “Shiels” (U.S. 5,754,770).

Regarding Claim 4, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, “providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes” by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49).

Shiels teaches, “in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented” by disclosing at then end of a scene or “act” a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44).

Shiels teaches, “enabling the viewer to make one of the alternative decisions” by disclosing UID 12, which allows the user to make alternative decisions by sending command signals to set-top box 14 (Col. 6, lines 24-33).

Shiels teaches, "in each act that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

Shiels teaches, "prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act" by disclosing the user will be presented with a visual indication, such as a pop up menu or asterisk, that notifies the user to make a decision on the order of the next act (Col. 6, 33-44).

Shiels teaches, "presenting to the viewer, in the act determined by his decision, neutral scenes of the act interspersed with alternative scenes that are appropriate to the relative order in which the act is presented" by disclosing common scenes H, J, and K which may appear in the act that do not depend on the choices made previously by the viewer (Col. 6, lines 3-19).

As for Claim 6, Shiels teaches, "presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent act will be presented" by disclosing the existence of an interaction period may be indicated to the

viewer in a number of different ways. For example, an asterisk may appear on the screen or a menu of possible options may be displayed: this menu is preferably provided via the video effects unit 42 of the STB such that, as soon as the user has selected an item, the menu may be removed from the screen to minimize the intrusion. The positioning of the menu should be such as to avoid blocking the on-screen story and may be provided as, for example, a picture-in-picture or as a pull-up menu which the user can access during an interaction period (Col. 6, lines 34-44).

Shiels teaches, "enabling each interactive viewer to make at least one of the alternative decisions" by disclosing the user may use UID 12 to send command signals to STB 14 (Col. 6, lines 25-33).

Regarding Claim 7, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes" by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49).

Shiels teaches, "in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented" by disclosing at then end of a scene or "act" a viewer may see a menu of possible options

appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44).

Shiels teaches, “enabling the viewer to make one of the alternative decisions” by disclosing UID 12, which allows the user to make alternative decisions by sending command signals to set-top box 14 (Col. 6, lines 24-33).

Shiels teaches, “in each act that can be presented in a different order, providing alternative connecting scenes leading into and out of the act” by disclosing in figure 6, acts B and D respectively have scene A leading in and scenes F, E, H, and C leading out. Shiels teaches, “prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act” by disclosing the user will be presented with a visual indication, such as a pop up menu or asterisk, that notifies the user to make a decision on the order of the next act (Col. 6, 33-44).

Shiels teaches, “presenting to the viewer, in the subsequent act determined by his decision, the alternative connecting scenes that are appropriate to the order in which the act is presented” by disclosing if the viewer chooses act B, the viewer will make the decision on which alternative connecting scene to watch, either scene C or H, and after the selection is made, the viewer will be presented the accompanying alternative scene (Col. 6, lines 3-66).

Considering Claim 8, the claimed elements of presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent

act will be presented and enabling each interactive viewer to make at least one of the alternative decisions, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Regarding Claim 18, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "a plurality of potentially viewable scenes grouped as a plurality of acts" by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49).

Shiels teaches, "at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented" by disclosing at then end of a scene or "act" a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44).

Shiels teaches, "each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels

teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

As for Claim 20, Shiels teaches, "means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts" by disclosing a viewer can interact with STB 14 using UID 12 as shown in figures 1 and 5 (Col. 6, lines 25-30).

Shiels teaches "software for presenting to the viewer, in the acts determined by his decision, the act's neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the act is presented" by disclosing CPU 36 which controls the operations of STB 14 by receiving data streams that contain program information specifying how the processor is to handle the audio and video streams and other information specific to features of the particular interactive narrative (Col. 4, line 1 – Col. 5, line 8). Therefore, STB 14 or "interactive entertainment system" must include software for presenting neutral scenes interspersed with alternative scenes that are appropriate to the relative order in which the act was presented.

As for Claim 21, Shiels teaches, "wherein the selectable-order acts have alternative connecting scenes leading into and out of the act" by disclosing in figure 6, acts B and D respectively have scene A leading in and scenes F, E, H, and C leading out.

As for Claim 22, Shiels teaches, “means for enabling the viewer to make the alternative decisions that determine the order of the selectable-order acts” by disclosing a viewer can interact with STB 14 using UID 12 as shown in figures 1 and 5 (Col. 6, lines 25-30).

Shiels teaches, “software for presenting to the viewer, in the acts determined by his decision, the connecting scenes appropriate to the order in which the act is presented” by disclosing CPU 36 which controls the operations of STB 14 by receiving data streams that contain program information specifying how the processor is to handle the audio and video streams and other information specific to features of the particular interactive narrative (Col. 4, line 1 – Col. 5, line 8). Therefore, STB 14 or “interactive entertainment system” must include software for presenting connecting scenes appropriate to the order in which the act is presented.

Regarding Claim 27, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, “a plurality of potentially viewable scenes grouped as a plurality of acts” by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49).

Shiels teaches, "at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented" by disclosing at then end of a scene or "act" a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44).

Shiels teaches, "each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

As for Claim 28, Shiels teaches, "wherein the interactive entertainment is transmitted to a viewer over a communications network in real time" by disclosing in figure 4, the narrative is supplied via a VOD system from a server 30 over a network 32 (Col. 3, lines 60-64).

As for Claim 29, Shiels teaches, "wherein the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device"

figure 3, data sent from a cable server over communications network 24 (Col. 3, lines 50-53) can be stored in STB 14 or "storage device" (Col. 4, lines 1-55).

Regarding Claim 31, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches "a plurality of potentially viewable scenes grouped as a plurality of acts" by disclosing in figure 6, viewable acts B and D, which contain viewable scenes C, H, E, and F respectively (Col. 6, lines 3-49).

Shiels teaches, "at least one of the acts having a scene that presents to the viewer at least one set of alternative decisions that will determine an order in which a subsequent act will be presented" by disclosing at then end of a scene or "act" a viewer may see a menu of possible options appear on the screen in a manner that allows the user to dictate the direction of the narrative (Col. 6, lines 34-44).

Shiels teaches, "each act that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the act is viewed, and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed" by disclosing in figure 6, a user may first view act B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels

teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

Regarding Claim 32, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of periodic episodes, each episode containing potentially viewable scenes" by disclosing in figure 6, periodic episodes B and D with viewable scenes C, H, E, and D respectfully.

Shiels teaches, "in at least one of the episodes, presenting to the viewer alternative decisions that will determine an order in which a subsequent episode will be presented" by disclosing the existence of an interaction period, between episodes, may be indicated to the viewer in a number of different ways. For example, an asterisk may appear on the screen or a menu of possible options may be displayed: this menu is preferably provided via the video effects unit 42 of the STB such that, as soon as the user has selected an item, the menu may be removed from the screen to minimize the intrusion. The positioning of the menu should be such as to avoid blocking the on-screen story and may be provided as, for example, a picture-in-picture or as a pull-up menu which the user can access during an interaction period (Col. 6, lines 34-44).

Shiels teaches, “enabling the viewer to make one of the alternative decisions” by disclosing in figures 1 and 6, STB 14 receives selection commands made by the viewer using UID 12 (Col. 6, lines 26-29).

Shiels teaches, “in each episode that can be presented in a different order, providing at alternative connecting scenes leading into and out of the episode” by disclosing in figure 6, episodes B and D have scene A leading into the episodes and scenes C, H, E, and D provide lead out scenes to episodes B and D respectfully.

Shiels teaches, “prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent episode” by disclosing the user will be shown a menu of options on the screen of TV 10, with the menu displaying the alternative decisions the user may make for the narrative (Col. 6, lines 34-44).

Shiels teaches, “presenting to the viewer, in the subsequent episode determined by his decision, the alternative connecting scenes that are appropriate to the order in which the episode is presented” by disclosing if the viewer chooses episode B, the viewer will make the decision on which alternative connecting scene to watch, either scene C or H, and after the selection is made, the viewer will be presented the accompanying alternative scene (Col. 6, lines 3-66).

As for Claim 33, Shiels teaches, “presenting to each interactive viewer alternative decisions that will determine an order in which a different subsequent episode will be presented” by disclosing the user will be shown a menu of options on the screen of TV

10, with the menu displaying the alternative decisions the user may make for the narrative (Col. 6, lines 34-44).

Shiels teaches, "enabling each interactive viewer to make at least one of the alternative decisions" by disclosing in figures 1 and 6 that a user may make at least one of the alternative decisions by using UID 12 (Col. 6, lines 25-29).

Regarding Claim 34, Shiels teaches an apparatus that presents to the user a branch structured narrative (90), and user input determines which path (A,B) is followed at least one narrative branch point (92) (Abstract). Shiels teaches, "a plurality of potentially viewable scenes grouped as a plurality of periodic episodes" by disclosing in figure 6, episodes B and D.

Shiels teaches, "at least one of the episodes having a scene that presents to the viewer a at least one set of alternative decisions that will determine an order in which a subsequent episode will be presented" by disclosing the existence of an interaction period, between episodes, may be indicated to the viewer in a number of different ways. For example, an asterisk may appear on the screen or a menu of possible options may be displayed: this menu is preferably provided via the video effects unit 42 of the STB such that, as soon as the user has selected an item, the menu may be removed from the screen to minimize the intrusion. The positioning of the menu should be such as to avoid blocking the on-screen story and may be provided as, for example, a picture-in-

picture or as a pull-up menu which the user can access during an interaction period (Col. 6, lines 34-44).

Shiels teaches, "each episode that can be presented in a different order having neutral scenes in which the content is not dependant upon the relative order in which the episode is viewed, and sets alternative scenes in which the content is dependant upon the relative order in which the episode is viewed" by disclosing in figure 6, a user may first view episode B or D. Further, a viewer is provided neutral scenes H, J, and K which may appear in the narrative no matter which path is chosen (Col. 6, lines 3-16). Shiels teaches further in figure 6, alternative scenes such as, C and G, are dependent upon the choices the viewer makes throughout the narrative.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejan in view of Abecassis (U.S. 6,553,178).

As for Claim 12, Bejan fails to explicitly disclose wherein the digital video player is a game player and television.

In an analogous art, Abecassis teaches, wherein the digital video player (500 – figure 5) is a game player and television (Col. 19, lines 52-65). Further, Abecassis discloses in figure 9, RAViT 931-936 are connected to TV 951. According it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Abecassis in order to use a game player and television as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 15, Bejan fails to explicitly disclose wherein the digital video player is a computer and a television.

In an analogous art, Abecassis teaches wherein the digital video player is a computer and a television (Col. 18, lines 42-45; Col. 19, lines 66-67; and Col. 21, lines 36-39). Further, Abecassis discloses in figure 9, RAViT 931-936 are connected to TV 951. According it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Abecassis in order to use a computer and a television as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

7. Claims 11, 13-14, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bejan et al. “Bejan” (U.S. 5,465,384) in view of Shiels et al. “Shiels” (U.S. 5,754,770).

As for Claim 11, Bejan fails to explicitly disclose wherein the digital video player is a general purpose computer and monitor. In a related art pertaining to video distribution, Shiels discloses the digital video player can be in the form of personal computer (Col. 10, lines 27-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a general purpose computer and monitor as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 13, Bejan fails to explicitly disclose wherein the digital video player is a set-top box and a television. In a related art pertaining to video distribution, Shiels discloses in figure 1, the use of STB 14, which is connected to TV 10 (Col. 3, lines 27-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a set-top box and a television for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

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As for Claim 14, Bejan fails to explicitly disclose wherein the digital video player is a personal video recorder having digital storage capability and a television. In a related art pertaining to video distribution, Shiels discloses in figure 1, the use of local storage 16, which may comprise a CD player or "digital video player" connected to a

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television 10 via STB 14 as shown in figure 1 (Col. 3, lines 43-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a personal video recorder having digital storage capability and a television for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 16, Bejan fails to explicitly disclose wherein the digital video player is a television having computing capability, wherein the television is adapted to present digital video to a user. In a related art pertaining to video distribution, Shiels discloses the necessary computing can be stored in a television (Col. 10, lines 27-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a television as a digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 17, Bejan fails to explicitly disclose wherein the digital video player is a cable television system having a computer located at its head-end and a television. In a related art pertaining to video distribution, Shiels discloses in figure 3, cable server 26 is connected to TV 10 via STB 14 (Col. 3, lines 43-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to use a cable television system

having a computer located at its head-end and a television as the digital video player for the benefit of using a well-known device that is owned by many viewers and reduces overall costs.

As for Claim 25, Bejan fails to explicitly disclose wherein the interactive entertainment is transmitted to a viewer over a communications network in real time. In a related art pertaining to video distribution, Shiels discloses in figure 4, VOD server that transmits data over a communications network 32 to STB 14, which then displays the data on TV 10 (Col. 3, lines 59-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to transmit interactive data over a communications network in real time for the benefit of allowing the viewer to make requests for interactive programming in their own time.

As for Claim 26, Bejan fails to explicitly disclose wherein the interactive entertainment is transmitted to a viewer over a communications network and stored on a storage device. In a related art pertaining to video distribution, Shiels discloses in figure 3, data sent from a cable server over communications network 24 (Col. 3, lines 50-53) can be stored in STB 14 or "storage device" (Col. 4, lines 1-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bejan with the teachings of Shiels in order to transmit interactive

entertainment to a viewer over a communications network and store received
entertainment of a storage device for the benefit of storing a plurality of branch scenes
that may or may not be used.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over
applicant's admitted prior art in view of Hendricks (U.S. 6,557,173) and further in view of
Bejan.

Regarding Claim 23, applicant's own admitted prior art discloses well-known
book-based adventures that allow users to assume the role of a character and make
choices within the context of an adventure. These books present a reader with short text
sequences that conclude with a choice. Based on this choice, the reader is directed to
another page in the book where the consequence of the choice is described. However,
applicant fails to disclose the use of electronic books that are "choose your adventure"
based.

Advantageously, Hendricks discloses the use of a portable electronic book
viewer receives electronic text and graphic files, or electronic books, by connection to a
television program delivery system (Abstract). Hendricks discloses a small portable
reader 725, called "EveryBook" is also provided with the upgrade to enable downloaded
text to be read without the use of a TV. Hendricks further discloses, the downloadable
information may be text or video supplied by the operations center or cable headend
208. With this upgrade, books may be downloaded and read anywhere with the portable

reader (Col. 20, lines 37-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hendricks with the applicant's disclosure in order to advantageously provide an electronic book that can receive text and images from a cable system headend for the benefit of providing users with a create your own adventure electronic book.

However, Hendricks fails to disclose the limitations necessitated by the claim. In an analogous art, Bejan discloses, a plurality of potentially viewable scenes or "pages" by disclosing a series of images, which are displayed during a sample episode as, disclosed in figure 3 (Col. 9, line 39 – Col. 10, line 25).

Bejan teaches, some of the scenes or "pages" defining branching points of the entertainment by presenting alternative decisions which must be made by the viewer by disclosing in figure 3, branching acts block which leads the user to a series of decisions that are associated with the selected branch. Bejan further teaches the three choices presented to the viewer will lead to a different series of events or different plots and once the viewer has determined the direction in which the plot will continue, the main computer instructs the videodisk player to play the selected new series of images or "pages" (Col. 8, lines 40-50).

Bejan teaches, for each alternative decision at a branching point, a sequence of scenes or "pages" corresponding to the decision by disclosing 2nd branch A, B, or C in figure 3 that each lead to another decision for the viewer to make about how the story branches.

Bejan discloses, the branching points and their related scene or “page” sequences being structured such that essentially every set of scene or “page” sequences determined by viewer decisions eventually reaches at least one linking scene or “page” containing content that is not dependant upon the particular decisions made prior to the linking scene or “page”, in figure 3, in order to minimize the number of scenes or “pages” which must be stored, intersection scenes or “pages” can be used. An intersection scene or “page” brings all the various branches together in time (Col. 10, lines 5-12). Bejan discloses, for selected decisions made prior to a linking scene or “page”, one or more sets of variation scenes or “pages” that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene or “page” that is viewable after the linking scene or “page” by disclosing in figure 3, after the linking scene or “page” the user is presented with the 4th branch A, B, or C, which is related to the earlier selected 2nd branch A, B, or C (Col. 10, lines 5-22).

Bejan teaches, means (10 – figures 5 and 6) for enabling the viewer to make the alternative decision by disclosing a choice is made by depressing pushbuttons 13-15 each pushbuttons corresponding to one of the three perspectives and thus one of the three series of images or “scene sequences” (Col. 8, lines 2-6).

Bejan teaches, software for selecting one or more variation scenes or “pages” from the set when the viewer is brought to the associated scene or “page” and for interspersing the selected scenes or “pages” adjacent the associated scene or “page” to introduce content that appears to be related to the consequence of the particular

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decision by disclosing in figure 3, having one or more sets of variation scenes (3rd branch A-I) that introduce content that appears to be related to the consequence of a decision made before a link scene (intersection scene), such as consequence of the decision to select 2nd branch A, B, or C, where each set of variation scenes is associated with a scene sequence (4th branch) that follows a linking scene (intersection scene) (Col. 9, line 39 0 Col. 10, line 25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks with the teachings of Bejan in order to facilitate providing a user with a plurality of viewable pages with some of the pages defining branching points of the entertainment for the benefit of providing the users the with the ability to determine the plot of the interactive story (Bejan – Background).

Note to Applicant

9. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CLP

May 23, 2006



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**